

## PATENT APPLICATION TRANSMITTAL LETTER

ATTORNEY'S DOCKET NO.

1310-2

## THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith for filing is a patent application of JOSEPH E. PORCELLI  
CAR AND TRUCK BEVERAGE HOLDER

jc542 U.S. PTO  
09/356771  
07/16/99

## Enclosed Are:

- 16 page specification  
 with attached signed Declaration/Power of Attorney  
 with attached unsigned Declaration/Power of Attorney  
 2 sheet(s) of formal drawings(s)  
 2 sheets(s) of informal drawings(s)  
 an Assignment Recordation Form Cover Sheet and Assignment of the invention to:  
 Priority is claimed under 35 USC 119 for the following application(s):  
 a certified copy of the aforesaid application(s) with Claim of Priority Cover Letter is enclosed.  
 a certified copy of the aforesaid application(s) will be forwarded in due course.  
 Preliminary Amendment  
 Information Disclosure Statement with PTO Form 1449 and copies of \_\_\_\_\_ references.

## CLAIMS AS FILED

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS				
17 - 20	0		X \$9.00	.00
INDEPENDENT CLAIMS				
1 - 3	0		X \$39.00	.00
BASIC FEE - \$760				
REDUCED FEE - \$380 [x] Independent Inventors [ ] Small Business Concern				\$
TOTAL FILING FEE				\$380.00

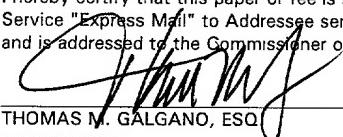
- Small Entity Declaration of [x] Independent Inventors [ ] Small Business Concern  
 The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, except for the Base Issue Fee, or credit any overpayment to Deposit Account No. 07-0130. A duplicate copy of this sheet is enclosed.  
 A check in the amount of \$380.00 is enclosed. This check covers:  
 the filing fee  
 the filing fee and the Assignment recordal fee.  
 Other: \_\_\_\_\_



Thomas M. Galgano, Reg. No. 27,638  
**GALGANO & BURKE**  
300 Rabro Drive, Suite 135  
Hauppauge, New York 11788  
Telephone No.: (516) 582-6161

Express Mail No. EL117197273US  
Date of Deposit July 16, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" to Addressee service under 37 CFR 1.10, on the date indicated above, and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
THOMAS M. GALGANO, ESQ.

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## TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith for filing is a patent application of JOSEPH E. PORCELLIFor: CAR AND TRUCK BEVERAGE HOLDER

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- [ X ] 16 page specification  
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[X] A check in the amount of \$ 380.00 is enclosed. This check covers:  
[ x ] the filing fee  
[ ] the filing fee and the Assignment recordal fee.  
[ ] Other: \_\_\_\_\_

Thomas M. Galgano, Reg. No. 27,638  
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THOMAS M. GALGANO, ESQ.

C:\O&amp;R\PS1310-2\TRANSMIT.TAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO.:1310-2

APPLICANT OR PATENTEE : JOSEPH E. PORCELLI  
TITLE : CAR AND TRUCK BEVERAGE HOLDER

**SMALL ENTITY DECLARATION**

[ X ] FOR INDEPENDENT INVENTOR(S)

As a below-named inventor, I hereby declare that I am an independent inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law, to assign, grant, convey, or license, any rights in the invention, to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization, as defined in 37 CFR 1.9.

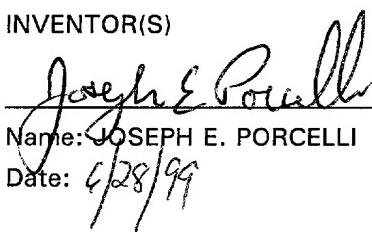
[ ] FOR SMALL BUSINESS CONCERN

I hereby declare that \_\_\_\_\_ is a business concern which qualifies as a small business concern as defined in §1.9(d) - namely, (1) whose number of employees, including those of its affiliates, does not exceed 500 persons; and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section; and that the exclusive rights to the invention have been conveyed to and remain with the above-identified small business concern.

I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like, so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the patent application or any patent issuing thereon.

Each of the undersigned hereby grants the firm of **GALGANO & BURKE**, U.S. Federal Courthouse Building, 300 Rabro Drive, Hauppauge, New York 11788, U.S.A., the power to insert in this Small Entity Declaration any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for filing and acceptance of this Declaration.

INVENTOR(S)

  
\_\_\_\_\_  
Name: JOSEPH E. PORCELLI  
Date: 6/28/99

SMALL BUSINESS CONCERN:

By \_\_\_\_\_  
Name : \_\_\_\_\_  
Title: \_\_\_\_\_  
Date : \_\_\_\_\_

UNITED STATES SPECIFICATION

TO ALL WHOM IT MAY CONCERN:

BE IT KNOWN THAT I, JOSEPH E. PORCELLI a United States citizen, residing at 15 N. Babylon Turnpike, Merrick, New York 11566; have invented certain new and useful improvements in a

**CAR AND TRUCK BEVERAGE HOLDER**

of which the following is a specification.

## BACKGROUND OF THE INVENTION

### 1. Field of the Invention

The invention relates to a holder for a beverage container. More particularly, the invention relates to a beverage container holder which securely holds beverage containers of different shape and size.

### 2. State of the Art

Today, the passenger compartment of almost every motor vehicle has at least one cup-like structure which is designed to hold a beverage container. Many beverage containers are similar in size and shape. For example, 12 and 16 ounce cans and 12 and 16 ounce bottles are all circular in cross section and all have similar diameters (approximately 2.5 - 2.75 inches). Most paper and foam coffee cups also have similar diameters. Thus, most of the motor vehicle "cup holders" consist of a round structure having a diameter (approximately 2.75 - 2.875 inches) large enough to accept the largest of the most popular bottles, cans, and cups. Some cup holders even include some resilient means for securely holding the

smallest of the most popular bottles, cans, and cups. Nevertheless, these cup holders are all designed to hold round containers.

For some time now, many beverages, particularly juices have been sold in containers which have a square or rectangular cross section. These rectangular containers are generally one of two types, a smaller rectangular container having "foot print" of approximately 1.875 x 2.75 inches and a larger square container having a foot print of approximately 2.75 inches square. These beverage containers do not fit into any of the automobile cup holders. A potential solution to this problem is shown in U.S. Patent Number Des. 355,336 which shows what appears to be a plastic rectangular holder having a hanging hook. However, the hook looks to be too small to be effective and, more significantly, the rectangular holder is clearly dimensioned to hold only the smaller rectangular juice container. In other words, it cannot hold the larger square container and certainly cannot hold a round container.

U.S. Patent Number 5,704,579 proposes an extraordinarily complex beverage container holder which is designed to hold

containers of different size and shape. As disclosed in the '579 patent, "[a] holder for a beverage container [includes] a container support platform having a central axis, and a series of container contact elements disposed around the central axis for exerting positioning forces on side surfaces of the container. Each container contact element contains a liquid core material that transitions to a near-solid state when subjected to a magnetic field. Magnetic mechanisms are provided in the holder for generating one or more magnetic fields, that have the result of rigidifying the container contact elements to conform to a range of different container sizes and shapes. The magnetic mechanisms can be electro-magnets or permanent magnets." Clearly, this solution is far too expensive to replace the simple plastic cup structure found in most vehicles today.

#### SUMMARY OF THE INVENTION

It is therefore an object of the invention to provide a beverage container holder which is capable of securely holding beverage containers of different size and shape.

It is also an object of the invention to provide a beverage container holder which is capable of securely holding beverage containers having either a circular or rectangular foot print.

It is another object of the invention to provide a beverage container holder which is capable of securely holding popular rectangular and square beverage containers.

It is still another object of the invention to provide a beverage container holder which is capable of securely holding popular cylindrical beverage containers.

In accord with these objects which will be discussed in detail below, a first embodiment of the beverage container holder of the present invention is a unitary plastic structure which includes a lower rectangular container holding portion and an upper hook portion for hanging the holder onto another structure. According to the invention, the holding portion includes a plurality of resilient inwardly extending fingers, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. This configuration of the fingers enables the easy placement and removal of beverage containers while providing a biasing structure

which serves to accommodate a variety of containers including square, rectangular, and round containers. According to a presently preferred first embodiment, the holding portion is formed as a frame structure in order to conserve material. The presently preferred dimensions of the holding portion are 2.875 x 2.875 x 3.5 inches. The resilient fingers preferably extend approximately 0.5 inches into the holding portion. The upper hook portion is preferably dimensioned to attach to a portion of a vehicle door adjacent to a window. This embodiment of the invention is intended for use with existing vehicles and can also be used to hold beverage containers in other places, e.g. on the arm of a lawn chair.

A second embodiment of the invention is designed to be built into a future vehicle and is designed to replace a retractable container holder such as that disclosed in U.S. Patent Number 5,297,767. According to this embodiment, the holder includes an upper tray portion having a pair of side-by-side square openings and a generally U-shaped supporting member which is pivotally attached to the tray portion. The supporting member is rotatable from a first position wherein it is retained within the tray portion to a second position wherein it is substantially

perpendicular to the tray portion. When the supporting member is in the first position, the holder may be retracted into a rectangular pocket. When the holder is withdrawn from the pocket, the supporting member may be rotated to the second position so that beverage containers placed into the square openings of the tray portion are supported from beneath. The supporting member is

*so*  
*JP 4/29/91* preferably spring loaded <sup>(to)</sup> that it automatically rotates to the second position when the holder is withdrawn from the pocket. As with the first embodiment, this embodiment includes a plurality of resilient inwardly extending fingers, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. The fingers are arranged inside the square openings and extend approximately one half inch inward. According to a presently preferred second embodiment, the tray portion is approximately 6.5 x 6.5 x 0.875 inches and has front and rear flanges which depend downward approximately 1.5 inches. The square openings are each 2.875 inches square and are spaced approximately 0.5 inches apart. The rotating support member depends approximately 3 inches from the tray portion when in the second position.

Additional objects and advantages of the invention will become apparent to those skilled in the art upon reference to the detailed description taken in conjunction with the provided figures.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a front elevation view of a first embodiment of the invention;

Figure 2 is a side elevation view of the first embodiment of the invention;

Figure 3 is a top plan view of a slightly modified first embodiment of the invention;

Figure 4 is a top plan view of a second embodiment of the invention; and

Figure 5 is a side elevation view of the second embodiment of the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Referring now to Figures 1 through 3, a first embodiment of the beverage container holder 10 of the present invention is a unitary plastic structure which includes a lower rectangular container holding portion 12 and an upper hook portion 14 for hanging the holder onto another structure (not shown). According to the invention, the holding portion includes a plurality of resilient inwardly extending fingers 16, 18, 20, 22, each of which assumes a generally V-shaped configuration (seen best in Figure 1) when viewed in a vertical plane. This configuration of the fingers enables the easy placement and removal of beverage containers while providing a biasing structure which serves to accommodate a variety of containers including square, rectangular, and round containers. As shown, the holder 10 has four resilient fingers. It will be appreciated, however, that a different number of fingers could achieve similar results.

According to a presently preferred first embodiment, the holding portion 12 is formed as a frame structure in order to conserve material. It is presently preferred that the beverage holder 10 be made of a unitary molded plastic piece. It will be

appreciated, however, that the beverage holder may be made of metal and may be constructed from two or more pieces which are attached to each other. The presently preferred dimensions of the holding portion are 2.875 x 2.875 x 3.5 inches. The resilient fingers 16, 18, 20, 22 preferably extend approximately 0.5 inches into the holding portion. The upper hook portion 14 is preferably dimensioned to attach to a portion of a vehicle door adjacent to a window. This embodiment of the invention is intended for use with existing vehicles and can also be used to hold beverage containers in other places, e.g. on the arm of a lawn chair.

A second embodiment of the invention is designed to be built into a future vehicle and is designed to replace a retractable container holder such as that disclosed in U.S. Patent Number 5,297,767. According to this embodiment, shown in Figures 4 and 5, the holder 100 includes an upper tray portion 102 having a pair of side-by-side square openings 104, 106 and a generally U-shaped supporting member 108 which is pivotally attached to the tray portion 102. The supporting member 108 is rotatable from a first position (shown in phantom in Figure 5) wherein it is retained within the tray portion to a second position wherein it is substantially perpendicular to the tray portion and directly below

the openings 104, 106. When the supporting member 108 is in the first position, the holder 100 may be retracted into a rectangular pocket (not shown). When the holder 100 is withdrawn from the pocket, the supporting member 108 may be rotated to the second position so that beverage containers placed into the square openings 104, 106 of the tray portion are supported from beneath by the supporting member 108. The supporting member 108 is preferably spring loaded, e.g. by spring 110 to that it automatically rotates to the second position when the holder is withdrawn from the pocket. As with the first embodiment, this embodiment includes a plurality of resilient inwardly extending fingers 112, 114, 116, 118, 120, 122, 124, 126, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. The fingers are arranged inside the square openings 104, 106 and extend approximately one half inch inward. According to a presently preferred second embodiment, the tray portion is approximately 6.5 x 6.5 x 0.875 inches and has front and rear flanges 130, 132 which depend downward approximately 1.5 inches. The purpose of the flanges is to limit movement of the holder 100 into and out of the pocket (not shown). The square openings 104, 106 are each 2.875 inches square and are spaced approximately 0.5 inches apart. The rotating support member 108 depends approximately 3 inches from the

tray portion when in the second position. According to a presently preferred version of this embodiment, the tray 102 is made of molded plastic; the fingers 112, 114, 116, 118, 120, 122, 124, 126 are metal spring clips; and the support member 108 is aluminum.

There have been described and illustrated herein several embodiments of a beverage container holder. While particular embodiments of the invention have been described, it is not intended that the invention be limited thereto, as it is intended that the invention be as broad in scope as the art will allow and that the specification be read likewise. It will therefore be appreciated by those skilled in the art that yet other modifications could be made to the provided invention without deviating from its spirit and scope as so claimed.

WHAT IS CLAIMED IS:

1. A beverage container holder, comprising:

a first structure defining a rectangular opening, and

a plurality of resilient fingers coupled to said first

structure and extending inward to said rectangular opening.

2. A beverage container holder according to claim 1, further

comprising:

a second structure defining a hook member, said second structure being coupled to said first structure and extending above said rectangular opening.

3. A beverage container holder according to claim 2, wherein:

said first structure defines a rectangular basket.

4. A beverage container holder according to claim 3, wherein:

said hook member has a generally U-shape.

5. A beverage container holder according to claim 4, wherein:

said first structure, said fingers, and said second structure are formed as a single unitary member.

- Formal  
6/28/99*
6. A beverage container holder according to claim 5, wherein:  
said single unitary member is plastic.
- Formal  
6/28/99*
7. A beverage container holder according to claim 1, wherein:  
each of said resilient fingers assumes a generally V-shaped configuration when viewed in a vertical plane.
- Formal  
6/28/99*
8. A beverage container holder according to claim 7, further comprising:  
a second structure defining a hook member, said second structure being coupled to said first structure and extending above said rectangular opening.
- Formal  
6/28/99*
9. A beverage container holder according to claim 8, wherein:  
said first structure defines a rectangular basket.
- Formal  
6/28/99*
10. A beverage container holder according to claim 9, wherein:  
said hook member has a generally U-shape.
- Formal  
6/28/99*
11. A beverage container holder according to claim 10, wherein:  
said first structure, said fingers, and said second structure are formed as a single unitary member.

*12*. A beverage container holder according to claim 11, wherein:  
said single unitary member is plastic.

*13*. A beverage container holder according to claim 1, further  
comprising:

a supporting member rotatably coupled to said first structure  
and being rotatable into a position located below said rectangular  
opening.

*14*. A beverage container holder according to claim 13, further  
comprising:

spring means for biasing said supporting member to said  
position located below said rectangular opening.

*15*. A beverage container holder according to claim 13, wherein:  
said first structure defines a rectangular tray having a front  
flange and a rear flange.

*16*. A beverage container holder according to claim 13, wherein:  
said first structure defines a rectangular tray,  
said rectangular opening comprises two rectangular openings,

and

said plurality of resilient fingers extend inward to each of  
    said rectangular openings.

17. A beverage container holder according to claim 13, wherein:  
    said first structure defines a rectangular tray, and  
    said fingers are spring clips.

ABSTRACT OF THE DISCLOSURE

A beverage container holder for holding round or rectangular containers is disclosed. According to one embodiment, the holder is a unitary plastic structure which includes a lower rectangular container holding portion and an upper hook portion for hanging the holder onto another structure. The holding portion includes a plurality of resilient inwardly extending fingers, each of which assumes a generally V-shaped configuration when viewed in a vertical plane. According to a second embodiment, the holder includes an upper tray portion having a pair of side-by-side square openings, each having a plurality of inward extending resilient fingers, and a generally U-shaped supporting member which is pivotally attached to the tray portion. The supporting member is rotatable from a first position wherein it is retained within the tray portion to a second position wherein it is substantially perpendicular to the tray portion. When the supporting member is in the first position, the holder may be retracted into a rectangular pocket. When the holder is withdrawn from the pocket, the supporting member may be rotated to the second position so that beverage containers placed into the square openings of the tray portion are supported from beneath. The supporting member is preferably spring loaded so that it automatically rotates to the second position when the holder is withdrawn from the pocket.

Figure 1  
Figure 2  
Figure 3

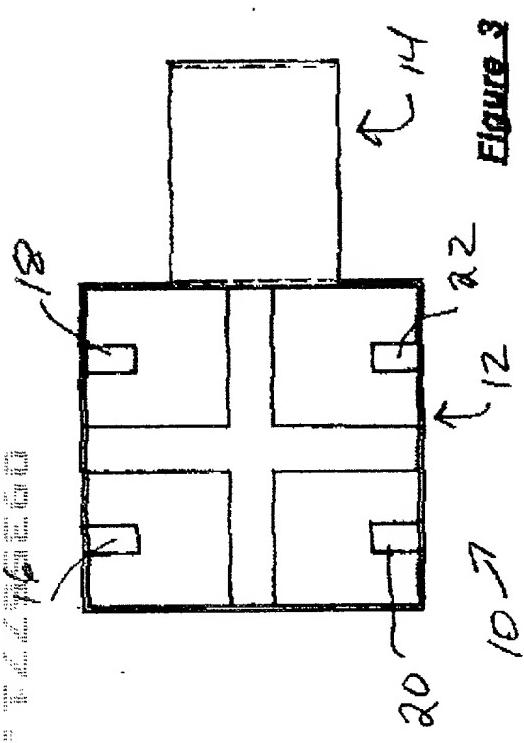


Figure 3

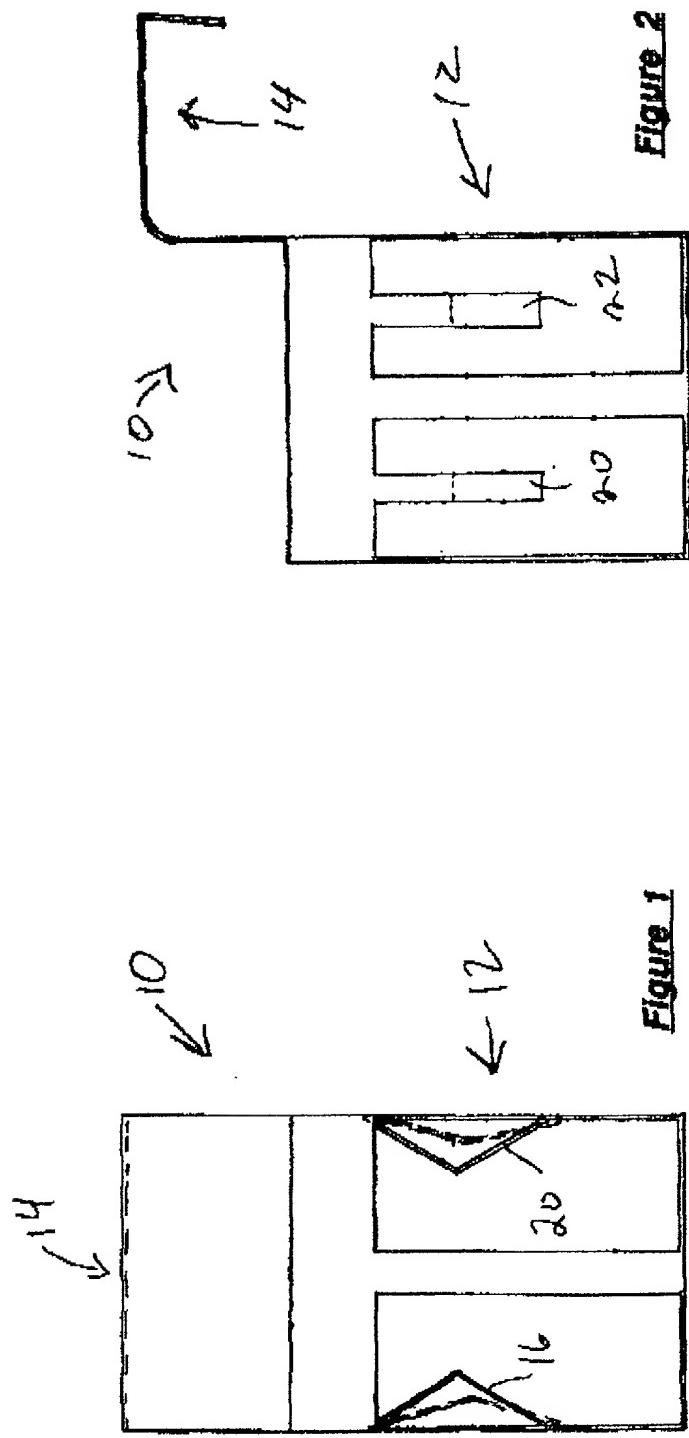


Figure 2

Figure 1

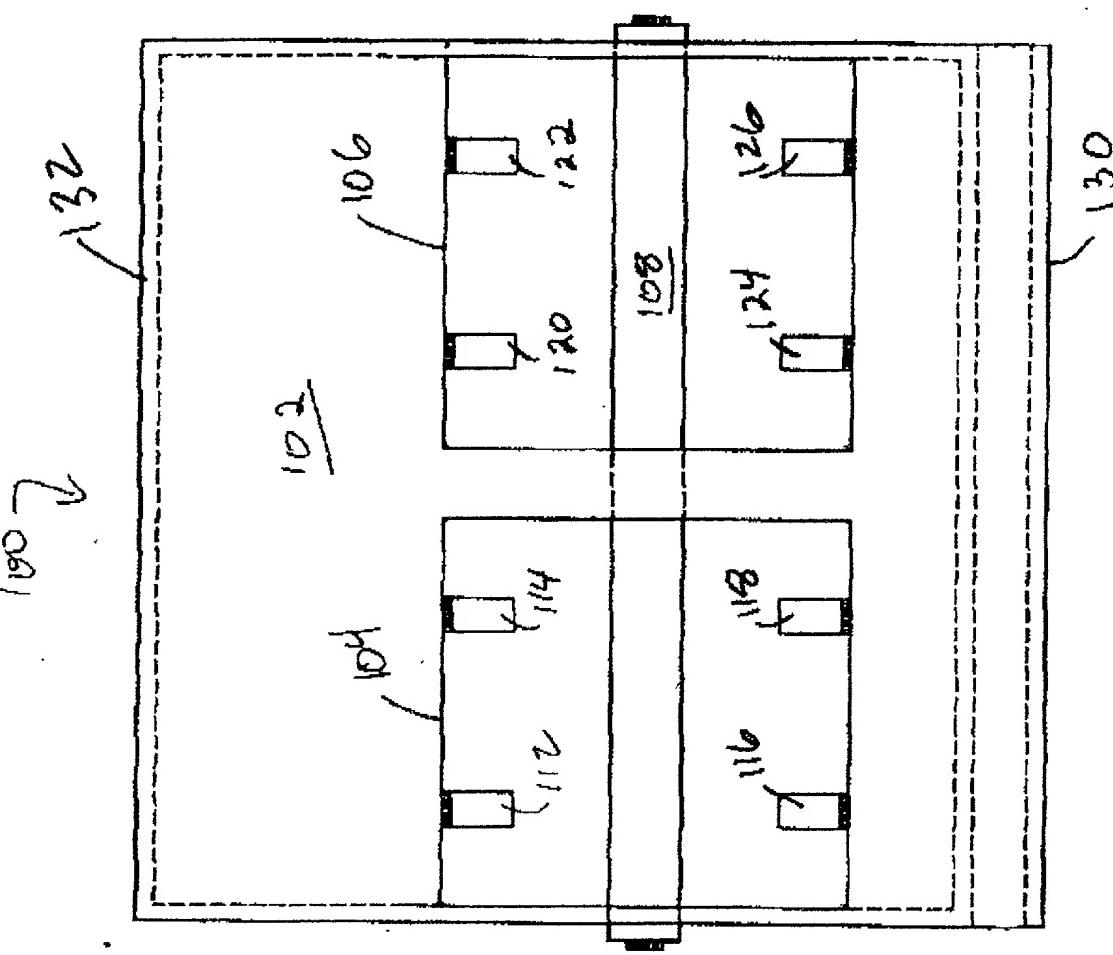


Figure 4

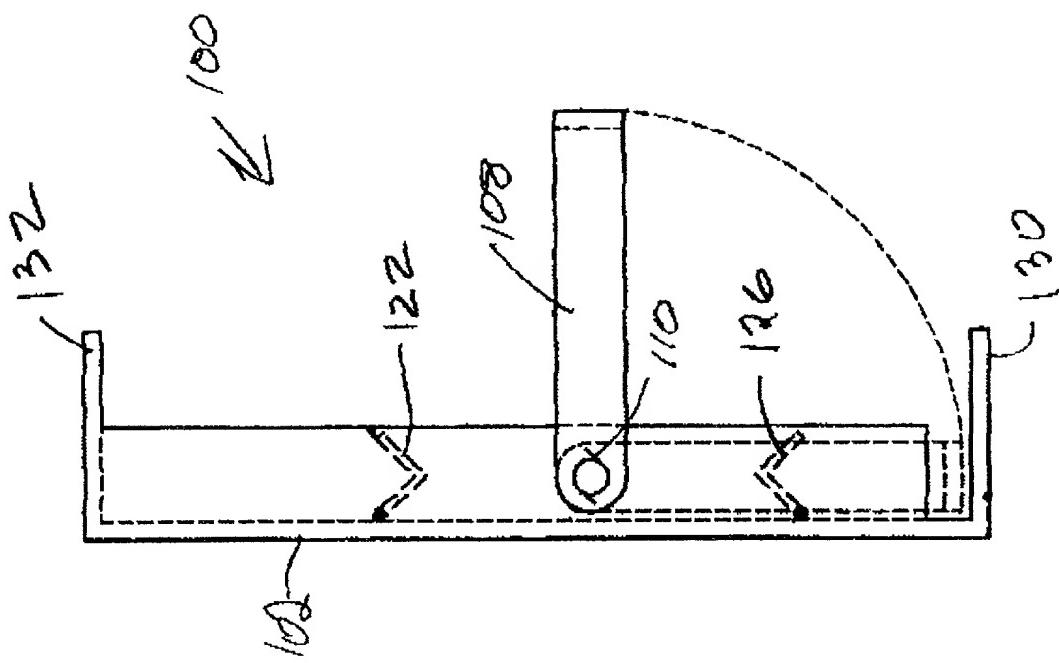


Figure 5

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **CAR AND TRUCK BEVERAGE HOLDER**

the specification of which (check only one item below):

is attached hereto.

was filed as United States application

Serial No. \_\_\_\_\_

on \_\_\_\_\_,

and was amended

on \_\_\_\_\_ (if applicable).

was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
 (Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
 1310-2

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		STATUS ( <i>Check One</i> )		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
PCT APPLICATION NO	PCT FILING DATE	U.S. SERIAL NUMBERS ASSIGNED ( <i>if any</i> )		

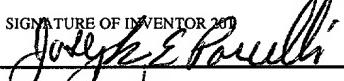
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration numbers*):

THOMAS M. GALGANO, Registration No. 27,638

DANIEL P. BURKE, Registration No. 30,735

<b>Send Correspondence to:</b>	Thomas M. Galgano, Esq., Galgano & Burke 300 Rabro Drive, Suite 135, Hauppauge, New York 11788			<b>Direct Telephone Calls to:</b> <i>(name and telephone number)</i> <b>(516) 582-6161</b>
2	FULL NAME OF INVENTOR	FAMILY NAME <b>PORCELLI</b>	FIRST GIVEN NAME <b>JOSEPH</b>	SECOND GIVEN NAME <b>E.</b>
0	RESIDENCE & CITIZENSHIP	CITY <b>MERRICK</b>	STATE OR FOREIGN COUNTRY <b>NEW YORK</b>	COUNTRY OF CITIZENSHIP <b>U.S.A.</b>
4	POST OFFICE ADDRESS	POST OFFICE ADDRESS <b>15 N. BABYLON TURNPIKE</b>	CITY <b>MERRICK</b>	STATE & ZIP CODE/COUNTRY <b>NEW YORK 11566</b>
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
3	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  


SIGNATURE OF INVENTOR 202

SIGNATURE OF INVENTOR 203

DATE  
**6/28/99**

DATE

DATE